In the High Court of Judicature at Madras

Dated: 21.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.9164 of 2006
and WPMP.No.10126 of 2006

M.Hariharan ..Petitioner

..vs..

1. State of Tamil Nadu,
   rep.by the Secretary to Government
   Housing & Urban Development Department,
   Secretariat,
   Fort St.George,
   Chennai-600 009.

2. The Member Secretary,
   Chennai Metropolitan
   Development Authority,
   No.8, Gandhi Irwin Road,
   Egmore, Chennai-600 008. ..Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration declaring that the provisions of Rule 19(b) of the Development cantrol and rule 13 of the Special Rules for Multi storied buildings as ultra ires, illegal unconstitutional and unenforceable in so far as it relates to levy and collection of Secrity deposit for proposed Development and consequently direct the respondents to issue planning permission for proposed development of stilt + 12 floors in Block No.1,Still + 11 floor, ground floor for non FSI and swimming pool in Block No.3 at Door No 134A, N.S.K Salai comprised in T.S.No 269/3 to 7 in Block No 32 of Virugambakkam Vilage and T.S.No 2,3/1, 3/3 in Block No.43 in Saligramam Village, Chennai without insisting on security Deposit of RS 17,50.000/- for proposed development as contained in the communication dated 23/03/2006 in LR.No C3/19763/2005 of the second respondent as stated therein.

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For Petitioner : Mr.R. Mohan,

For Respondents : Mr.A.Edwin Prabhakar,
Govt.Advocate for R1

Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Learned counsel for the petitioner seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioner is free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs. Consequently, connected WPMP., is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St George, Chennai-600 009.

2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

+ One cc to Mr. J. Ravindran Advocate (CMDA) SR 64893.

SR (co)
sg 02/01/07

Writ Petition No.9164/06

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